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VIA OVERNIGHT MAIL

Hon. Thomas C. Platt
U.S. District Court Judge
Eastern District of New York
Long Island Federal Courthouse
100 Federal Plaza
Central Islip, New York 11722

**Re: U.S. v. Marc Johnson
Docket No.: 95 CR 0392 (TCP)**

Dear Judge Platt:

This law firm represents the defendant in the above-referenced matter, for which sentencing is currently scheduled for **January 14, 2005**. For the reasons set forth herein, we respectfully request a 30-day adjournment of the sentencing in this matter upon the consent of AUSA Burton Ryan.

Earlier today, we received a Second Addendum to the Presentence Report, dated January 11, 2005 from the U.S. Probation Department which, inter alia, recommends a two-point enhancement for obstruction of justice and removed the three-point downward adjustment for acceptance of responsibility, thus raising the defendant's total offense level from 39 to 44 (CHC II) with a resulting guideline range of life imprisonment. FRCP 32(g) requires that at least seven days before sentencing, the probation officer must submit to the Court and the parties the presentence report and an addendum containing any unresolved objections, the grounds for the objections and the probation officer's comments on the objections. The second addendum, however, contains recommendations that deviate substantially from the calculations contained in the initial report and as such, is not merely an addendum setting forth unresolved objections.

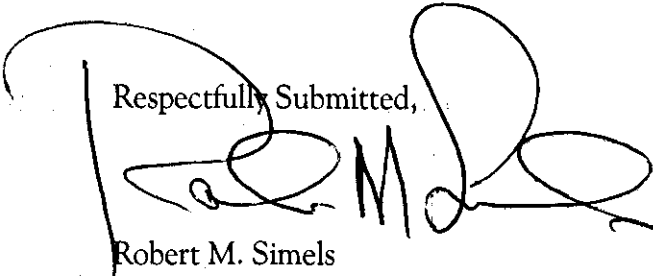
In light of the foregoing, we respectfully request a thirty (30) day adjournment of the sentencing so that we may have an opportunity to file our objections to the presentence report and any addenda thereto and file a formal sentencing submission on behalf of our client.

Lastly, following the Supreme Court's decisions earlier today in *United States v. Booker* and *United States v. Fanfan*, 2005 WL 50108 (1995), we are also seeking additional time to ascertain what effect these cases may have on issues pertaining to the defendant's sentencing.

Robert M. Simels, P.C.

Thank you for your consideration of this request.

Respectfully Submitted,


Robert M. Simels

cc: Burton Ryan, Esq.
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